

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADAMina De Oro, LLC, and The Toy Chest, LLC,
Plaintiffs

v.

Jobediah Sinclair Weeks, et al.,
Defendants

Case No. 2:20-cv-00994-CDS-VCF

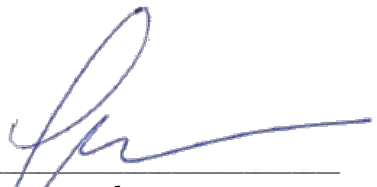
Order Dismissing Two Defendants for
Failure to Serve

In October 2022, I ordered the plaintiffs to file proof of service as to defendants Silviu Catalin Balaci and Bitclub. ECF No. 40. I explained that my “order constitute[d] notice that this action may be dismissed without prejudice as to those two parties unless the plaintiffs file proof of service with the clerk by November 18, 2022.” *Id.* at 2. Since then, the plaintiffs have not provided proof of service or demonstrated good cause as to why Balaci and Bitclub could not be served within the timeframe specified in Federal Rule of Civil Procedure 4(m).

Rule 4(m) requires that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). The plaintiffs filed their initial complaint on June 3, 2020. ECF No. 1. And they filed an amended complaint on April 18, 2022. ECF No. 33. The 90-day deadline in Rule 4(m) has long passed, and despite being on notice that I would dismiss these two defendants without proof of service, the plaintiffs have not taken action.

1 IT IS THEREFORE ORDERED that defendants Balaci and Bitclub are dismissed from
2 this action without prejudice.

3 DATED: March 8, 2023

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6 Cristina D. Silva
7 United States District Judge
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